

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$59,800 in UNITED STATES CURRENCY,

Defendant,

vs.

DANIEL HARPER,

Claimant.

3:15-cv-00290-RCJ-WGC

ORDER

The Complaint for Forfeiture in Rem alleges that the Defendant \$59,800 was abandoned on a train and seized by an officer of the Reno Police Department while the train was stopped in Reno, Nevada on January 6, 2015. Claimant Daniel Harper filed an administrative claim to the money on March 12, 2015. Claimant and his traveling companion had been ejected from the train when the officer found pistols and ammunition in their cabin (which is against Amtrak policy) during a consensual search. Although Claimant and his companion had departed the area after claiming to have recovered all of their belongings, an Amtrak employee informed the officer that two duffel bags had been left in the cabin and that one of the bags contained bundles of currency another employee had noticed when attempting to determine the owner of the bag.

1 The officer spoke to Claimant on the telephone about the bags, and Claimant claimed the money
2 was several years' worth of savings and that he had abandoned the money because he thought its
3 transport was illegal. A drug dog alerted to the currency. Claimant answered. Plaintiff has
4 moved for summary judgment.

5 Plaintiff provides evidence that Claimant has failed to respond to requests for admission
6 and has therefore admitted, *inter alia*, that "[t]he defendant currency represents proceeds
7 traceable to the manufacture and/or exchange of controlled substances in violation of federal
8 law." (*See* Addington Decl. ¶ 5, ECF No. 14; Req. for Admis. ¶ 31, ECF No. 14-1). The fact is
9 therefore admitted. *See* Fed. R. Civ. P. 36(a)(3). Claimant has not timely responded and
10 therefore has not shown a genuine issue of material fact as to whether the money is traceable to
11 the exchange of controlled substances and therefore subject to forfeiture to the United States. *See*
12 21 U.S.C. § 881(a)(6).

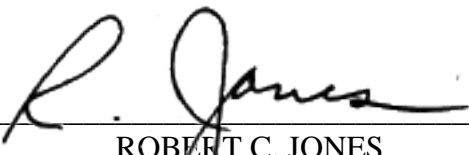
13 CONCLUSION

14 IT IS HEREBY ORDERED that the Motion for Summary Judgment (ECF No. 13) is
15 GRANTED, and the Defendant \$59,800 is FORFEITED to the United States.

16 IT IS FURTHER ORDERED that the Clerk shall enter judgment and close the case.

17 IT IS SO ORDERED.

18 DATED this 25th day of January, 2016.

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21 ROBERT C. JONES
22 United States District Judge
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